



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

916700

VIA FEDERAL EXPRESS

Food and Drug Administration
555 Winderley Pl., Ste. 200
Maitland, FL 32751

Ref: Customs Entry No: AU1-0049930-1
AU1-0050062-9
AU1-0050446-4
XXX-0034830-1 (Formerly AU1-0050628-7)
Product: Fresh Snow Peas

WARNING LETTER

FLA-01-79

August 21, 2001

Estuardo Castro, Owner
Agroaltos, S.A.
c/o Hellman Perisables Logistics
10450 N.W. 41st Street
Miami, Florida 33179

Dear Mr. Castro:

The Food and Drug Administration (FDA), on April 27, 2001, May 22, 2001, June 22, 2001, and July 13, 2001, attempted to supervise the destruction of the above refused entries of snow peas which were offered for entry into the United States (U.S.) by your firm. The following chart gives background information for each of these entries:

Entry No.	Entry Date	Quantities	Date Refusal Notice (RN) Redelivery Demand (RD)
AU1-0049930-1	02/22/01	[REDACTED] cases	03/30/01 (RD)
AU1-0050062-9	02/26/01	[REDACTED] cases	03/17/01 (RN)
AU1-0050446-4	03/12/01	[REDACTED] cases	03/19/01 (RN)
AU1-0050628-7 (XXX-0034830-1)	03/19/01	[REDACTED] cases	04/30 & 7/16/01 (RD & RN) (Partial Refusal)

Review of entry documents, as well as warehousing/storage/distribution records, indicate that the snow peas presented for destruction are not the original product. In addition, some of the snow peas presented have calyx (pieces of stems and leaves) mixed in with the snow peas, which (calyx) are not declared in the original entries. Our examination of the snow peas referenced above and presented for destruction indicate that these snow peas do not appear to be the products which were originally entered.

As a result of our findings, we have recommended that the U. S. Customs Service (Customs) require that future entries of food by your firm be held in secured storage. Secured storage will be under the supervision and direction of Customs, such as in a bonded warehouse. You will be responsible for all costs incurred at secured storage.

In addition, we are requesting Customs to order redelivery of these shipments.

We request a response in writing within fifteen (15) working days of receipt of this letter outlining the specific steps you have taken to correct the violation, including an explanation of each step being taken to prevent recurrence. In the event that the product is still available for examination, you should inform Customs and FDA if and when redelivery is accomplished.

Your written reply should be addressed to the Food and Drug Administration, Attention: Paul R. Bagdikian, Compliance Officer, P. O. Box 59-2256, Miami, Florida 33159-2256.

Sincerely,

A handwritten signature in black ink, appearing to read "Emma R. Singleton", with a long horizontal flourish extending to the right.

Emma R. Singleton
Director, Florida District